

CHAPTER 194
GAME BIRD HABITAT
DEVELOPMENT PROGRAMS AND FUNDING

S.F. 558

ANACT providing for an increase in the wildlife habitat fee, making an appropriation, and creating a game bird habitat development program.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 483A.1, subsection 1, paragraph q, Code 2007, is amended to read as follows:

q. Wildlife habitat fee \$ 8.00 11.00

Sec. 2. Section 483A.1, subsection 2, paragraph r, Code 2007, is amended to read as follows:

r. Wildlife habitat fee \$ 8.00 11.00

Sec. 3. Section 483A.3, Code 2007, is amended by adding the following new subsection:
NEW SUBSECTION. 3. Notwithstanding subsections 1 and 2, any increase in revenues received on or after July 1, 2007, pursuant to this section as a result of fee increases pursuant to this Act, shall be used by the commission only for the purpose of the game bird habitat development program as provided in section 483A.3B. The commission shall not reduce on an annual basis for these purposes the amount of other funds being expended as of July 1, 2007.

Sec. 4. NEW SECTION. 483A.3B GAME BIRD HABITAT DEVELOPMENT PROGRAMS.
 1. ALLOCATION OF REVENUE — ACCOUNTS. All revenue collected from increases in wildlife habitat fees as provided in section 483A.3, subsection 3, that is deposited in the state fish and game protection fund shall be allocated as follows:

- a. Two dollars of each wildlife habitat fee collected shall be allocated to the game bird wetlands conservation account.
- b. One dollar of each wildlife habitat fee collected shall be allocated to the game bird buffer strip assistance account.
- c. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys collected from wildlife habitat fees that are deposited in each account created under this section shall be credited to that account. Notwithstanding section 8.33 or section 456A.17, moneys credited to each account created under this section shall not revert to the state general fund at the close of a fiscal year.
- d. All revenue generated by increases in the wildlife habitat fee as provided in section 483A.3, subsection 3, shall be used as provided in this section, except for that part which is specified by the department for use in paying administrative expenses as provided in section 456A.17.

- 2. GAME BIRD WETLANDS CONSERVATION PROGRAM.
 - a. All moneys allocated to the game bird wetlands conservation account shall be used by the department only to carry out the purposes of the game bird wetlands conservation program and shall be used in addition to funds already being expended by the department each year for wetlands conservation purposes.
 - b. The purpose of the game bird wetlands conservation program is to create a sustained source of revenue to be used by the department to qualify for federal matching funds that are available for wetlands conservation and to undertake projects in conjunction with soil and water conservation districts, county conservation boards, and other partners that will aid in wetlands and associated habitat conservation in the state, including the acquisition, restoration, maintenance, or preservation of wetlands and associated habitat.

c. (1) All moneys that are allocated to the game bird wetlands conservation account shall accumulate in the account until the account balance is equal to one million dollars or an amount sufficient to be used by the department to qualify for federal matching funds. Each time the account balance reaches an amount sufficient to be used by the department to qualify for federal matching funds, the department shall apply for such matching funds, and upon obtaining such funds, shall expend the state and federal revenues available at that time to undertake projects as set forth in paragraph "b".

(2) Additional moneys that are generated by game bird wildlife habitat fees and allocated to the game bird wetlands conservation account shall again accumulate in the account, and each time the account balance is equal to one million dollars or an amount sufficient to be used by the department to qualify for federal matching funds, the department shall again apply for federal matching funds, and upon obtaining such funds, shall expend the state and federal revenues available at that time to undertake projects as set forth in paragraph "b".

d. The department shall use all state revenue and federal matching funds obtained under the federal North American Wetlands Conservation Act to undertake the purposes of the game bird wetlands conservation program as set forth in paragraph "b". State revenue allocated to the account shall be used by the department only for projects that increase public recreational hunting opportunities in the state and shall not be used for projects on private land that is not accessible to the public for recreational hunting.

3. GAME BIRD BUFFER STRIP ASSISTANCE PROGRAM.

a. All moneys allocated to the game bird buffer strip assistance account shall be used by the department only to carry out the purposes of the game bird buffer strip assistance program and shall be used in addition to funds already being expended by the department each year for such purposes. The department shall not reduce the amount of other funds being expended for these purposes as of July 1, 2007.

b. The purpose of the game bird buffer strip assistance program is to increase landowner participation in federally funded conservation programs that benefit game birds and to increase opportunities for recreational hunting on private lands. To the extent possible, moneys allocated to the game bird buffer strip assistance account shall be used in conjunction with and to qualify for additional funding from private conservation organizations and other state and federal agencies to accomplish the purposes of the program. The funds may be used to provide private landowners with cost-sharing assistance for habitat improvement practices on projects that are not eligible for federal programs or where federal funding for such projects is not adequate. The department may utilize the funds to provide marketing and outreach efforts to landowners in order to maximize landowners' use of federal conservation programs. The department may coordinate such marketing and outreach efforts with soil and water conservation districts and other partners.

c. (1) All moneys that are allocated to the game bird buffer strip assistance account shall accumulate in the account for a period of three years. At the end of the three-year period, the moneys in the account shall be used by the department to carry out the purposes of the game bird buffer strip assistance program as set forth in paragraph "b". The department shall, by rule pursuant to chapter 17A, establish eligibility requirements for the program and procedures for applications for and approval of projects to be funded under the program. The department shall expend moneys from the account only for projects on private land that is accessible to the public for recreational hunting.

(2) Additional moneys that are generated by game bird wildlife habitat fees and allocated to the game bird buffer strip assistance account shall accumulate in the account and shall be used by the department every three years as set forth in subparagraph (1).

CHAPTER 195

DANGEROUS WILD ANIMALS — POSSESSION, OWNERSHIP, TRANSPORTATION — PENALTIES

S.F. 564

AN ACT regulating dangerous wild animals, including their ownership and possession, requiring registration, providing for fees and appropriations, and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 717F.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Agricultural animal" means the same as defined in section 717A.1.¹
2. "Assistive animal" means the same as defined in section 216C.11.
3. a. "Circus" means a person who is all of the following:
 - (1) The holder of a class "C" license issued by the United States department of agriculture as provided in 9 C.F.R., pt. 2, subpt. A.
 - (2) Is temporarily in this state as an exhibitor as defined in 9 C.F.R., pt. 1, for purposes of providing skilled performances by dangerous wild animals, clowns, or acrobats for public entertainment.
- b. "Circus" does not include a person, regardless of whether the person is a holder of a class "C" license as provided in paragraph "a", who does any of the following:
 - (1) Keeps a dangerous wild animal which is a member of the order carnivora within the family felidae or the family ursidae, as described in this section.
 - (2) Uses the dangerous wild animal for any of the following purposes:
 - (a) A presentation to children at a public or nonpublic school as defined in section 280.2.
 - (b) Entertainment that involves an activity in which a member of the public is in close proximity to the dangerous wild animal, including but not limited to a contest or a photographic opportunity.²
4. "Custody" means to possess, control, keep, or harbor a dangerous wild animal in this state by a public agency.
5. a. "Dangerous wild animal" means any of the following:
 - (1) A member of the family canidae of the order carnivora, including but not limited to wolves, coyotes, and jackals. However, a dangerous wild animal does not include a domestic dog.
 - (2) A member of the family hyaenidae of the order of carnivora, including but not limited to hyenas.
 - (3) A member of the family felidae of the order carnivora, including but not limited to lions, tigers, cougars, leopards, cheetahs, ocelots, and servals. However, a dangerous wild animal does not include a domestic cat.
 - (4) A member of the family ursidae of the order carnivora, including bears and pandas.
 - (5) A member of the family rhinocerotidae order perissodactyla, which is a rhinoceros.
 - (6) A member of the order proboscidea, which are any species of elephant.
 - (7) A member of the order of primates other than humans, and including the following families: callitrichiadae, cebidae, cercopithecidae, cheirogaleidae, daubentoniidae, galagonidae, hominidae, hylobatidae, indridae, lemuridae, loridae, megaladapidae, or tarsiidae. A member includes but is not limited to marmosets, tamarins, monkeys, lemurs, galagos, bushbabies, great apes, gibbons, lesser apes, indris, sifakas, and tarsiers.
 - (8) A member of the order crocodilia, including but not limited to alligators, caimans, crocodiles, and gharials.
 - (9) A member of the family varanidae of the order squamata, which are limited to water monitors and crocodile monitors.
 - (10) A member of the order squamata which is any of the following:

¹ See chapter 215, §118 herein

² See chapter 215, §119 herein